

The Legislative Fiscal Division

Presents:

Profile of...

Department of Justice

State of Montana



Agency Profile

Oct. 2008

This agency profile will discuss...

- structure and funding
- primary functions and
- historical expenditures

The profile also includes information on how decision makers can effect change in the agency's expenditures along with a listing of pertinent statistics. For an explanation of terms used in this profile, consult the "Background on the Agency Profiles" at: <http://leg.mt.gov/css/fiscal/default.asp>

General Fund Statewide Comparison
FY 2008 (in Millions)



Let's begin by putting the agency's size in perspective by comparing it to state government as a whole.

Total Funds Statewide Comparison
FY 2008 (In Millions)



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Section D
Judicial Branch, Law Enforcement and Justice



What the Agency Does



The Department of Justice is responsible for representation of the state's interest in legal matters, law enforcement, and other public safety related functions. The duties of the department include:

- Prosecution or defense in cases that the state or an officer of the state (in their official capacity) is a party or in which the state has an interest
- Receipt and investigation of consumer complaints related to various consumer protection and telemarketing laws
- Victims assistance services
- Regulation and investigation of gambling activities and investigation of liquor licenses
- Titling and registration of motor vehicles, and driver licensing functions
- Enforcement of traffic laws and investigation of traffic accidents
- Assisting local law enforcement or state agencies in investigation of crimes or fraud, and enforcement of fire and life safety regulations
- Forensic laboratory testing and examination of evidence and specimens including forensic pathology services
- Exercise of supervisory powers over and provision of assistance to county attorneys
- Maintenance and dissemination of criminal justice information to authorized entities

An elected official, the Attorney General, heads the Department of Justice.



How Services Are Provided

The Department of Justice provides these services and functions primarily through the use of state employees who: provide legal, investigative, and administrative services; operate the Montana Highway Patrol and the Montana Law Enforcement Academy; provide testing and examination services at the State Forensic Lab; provide for driver and vehicle licensing and registration; and provide auditing, oversight, and investigation related to video and other gambling within the state of Montana.

The Department of Justice provides these services through a structure consisting of nine divisions with the following functions:

Legal Services Division provides the Attorney General with legal research and analysis, legal counsel for state government officials, agencies, and boards, legal assistance to local governments and Indian tribes including assistance, training, and support for county attorneys (prosecutors). This division is also responsible for victims' assistance and compensation functions.

Office of Consumer Protection advocates on behalf of Montana Consumers, investigates consumer complaints and enforces consumer protection laws.

Gambling Control Division has criminal justice authority and conducts routine field inspections and investigations related to gambling activities. In addition to collecting and distributing licensing fees for gambling machines and activities, the division is responsible for collecting the gambling tax assessed on the net proceeds of gambling activities, and investigative functions relating to alcoholic beverage licensing and tobacco enforcement. An appointed gaming advisory council of nine members provides advisory services to the department.

Motor Vehicle Division is responsible for examination and licensure of motor vehicle drivers, maintenance of driver and motor vehicle records, titling and registration of vehicles, inspection and verification of vehicle identification numbers, and licensure and compliance control of motor vehicle dealers and manufacturers.

Montana Highway Patrol is responsible for patrolling the highways of Montana, enforcing traffic laws, and investigating traffic crashes. The patrol provides 24-hour seven-day-a-week communication and radio dispatch for the highway patrol and other state agencies.



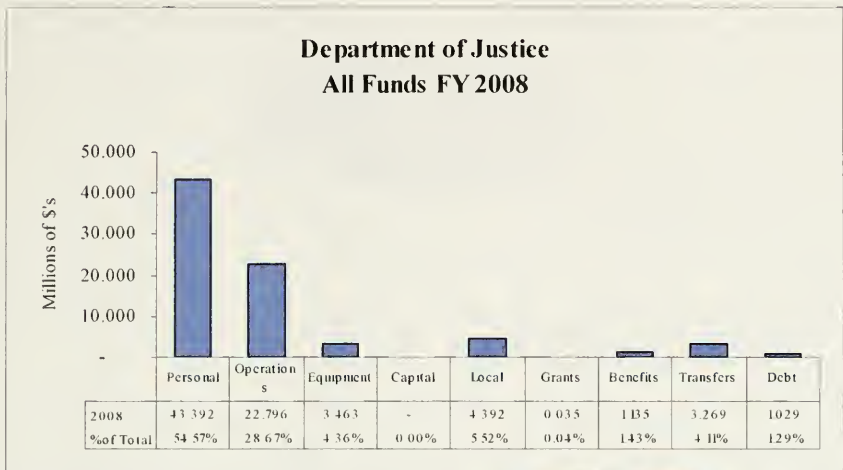
Division of Criminal Investigation Under both state and federal mandates, the division investigates crimes, provides for fire safety inspections, and provides officer training including operation of the Montana Law Enforcement Academy. Investigators conduct criminal investigations of homicide, fraud, robbery, assault, corruption, arson, organized crime, computer crime, dangerous drug activity, and other felony crimes. The division also has specialized criminal investigation units for workers' compensation, public assistance, Medicaid, legislative audit and computer crime fraud. Additionally, the Peace Officers Standards and Training Council is administratively attached to the Department of Justice.

Central Services Division provides the administrative, personnel, budgetary, accounting, and fiscal support for the department. This division also administers payment of the state contribution toward county attorney costs.

Information Technology Services Division provides a full range of information technology and criminal justice services for the department including system development and maintenance of motor vehicle titling and registration systems, driver license and history system, criminal history record information system and the Sexual and Violent Offender Registry. The Criminal Justice Information Network (CJIN) links law enforcement and criminal justice agencies with information sources at local, state, and national levels.

Forensic Science Division, which includes the state crime lab in Missoula, provides for a statewide system of death investigation, forensic science training, and scientific criminal investigation and analysis of specimens. The division tests firearms, tool marks, hair, fibers, body fluids, and tissues. The laboratory also analyzes blood and urine samples, and provides the certification, maintenance, and training of all law enforcement personnel on breath testing instruments.

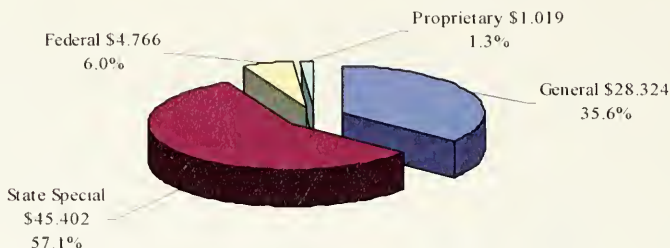




How Services Are Funded

The Department of Justice is funded with a combination of general fund, state special revenue, and federal funds, with funding varying among the programs and functions of the agency. The largest sources of funding for the department are state special revenue (57%) and general fund (36%). The motor vehicle, legal services, criminal investigation, forensic science, and information technology divisions are the largest users of general fund within the agency. The department's largest source of state special revenue is the Highways State Special Revenue Account (HSSRA) which provides the bulk of the funding for the Montana Highway Patrol and also provides some funding for Motor Vehicle Division functions. The next largest sources of state special revenue for the department are the Gambling License Fee Account and Motor Vehicle Division Information Technology Accounts that support the Gambling Control Division and the new motor vehicle automated system, respectively. About 6 percent of the department's funding comes from federal grants. The department receives grant funds for a number of different purposes including support for drug task force activities, information technology development, forensic science services and prevention of violence against women. The remaining 1 percent of funds comes from a proprietary fund that supports agency legal services.

**Department of Justice Funding by Source
FY 2008 (in Millions)**



Related Data & Statistics

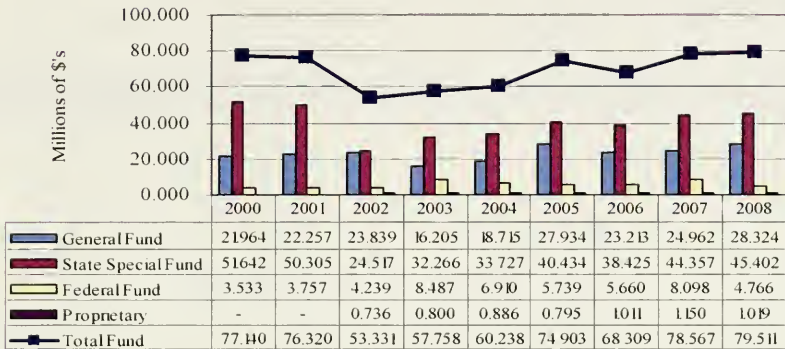
The following lists several pertinent statistics related to agency functions and/or customers.

<i>Element</i>	<i>1998</i>	<i>2008</i>	<i>Significance of Data</i>
Consumer Protection— Calls to toll free number	Not available	4,104	Fiscal year data
Compensation paid to innocent victims of crime	\$772,338	\$924,747	
Compensation to innocent victims of crime deferred due to lack of funding	\$0	\$579,702	For the six months from January – June, 2008
Criminal Investigation – Investiga- tions and cases	320	530	
Fire and life-safety inspections completed	394	1,549	
Officers trained at Montana Law Enforcement Academy	4,068	2,966	
Forensic Science Division – cases received	4,106	5,225	
Video gambling machine taxes collected (in millions)	\$38	\$63	
Criminal Justice Information Network workstations:			
In office	138	311	
Mobile (in car)	21	768	
Web based users	38	2,800	
Legal Services—criminal appeals and litigation— new cases opened	243	332	
Attorney General's Opinions issued	20	10	
Legal assistance to state agen- cies – new cases opened	136	185	

Expenditure History



Department of Justice Funding History



Reasons for Expenditure Growth/Change

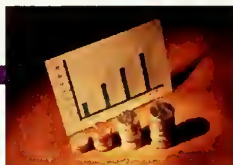
Personal services and operating costs account for more than 83 percent of the department's expenditures, reflecting the usage of state employees to perform most of the department's functions. Operating costs are distributed among a number of expenditure categories with the professional/consulting service, rent, minor equipment/computer hardware, gasoline, and information technology consulting and professional fee categories having the largest percentage of expenditures in FY 2008. The personal services category has grown an annual average of 4.9 percent between FY 2000 and 2009, while operating cost categories of expenditure have grown an annual average of 5.4 percent during the same time frame.

State special revenues decline between FY 2001 and 2002 due to the implementation of legislation commonly known as "The Big Bill". Under the provisions of this legislation a number of revenue sources, including state special revenue from video gaming, that were previously split between state and local governments became state general fund revenue and the local governments now receive a payment from the state known as the "entitlement share" payment.

Agency Functions, State Purposes, & Customers Served

The agency is structured to perform certain functions in support of general state government purposes. The following lists the major functions, purpose of provision of the functions, and primary customers served.

State Purposes	Major Agency Functions	Customers
<i>Provision of Justice and Protection of Life and Property</i>	Provision of legal services	State agencies, state officials, citizens/general public
	Regulation of gambling and gaming industry	Gaming industry, general public
	Patrol of highways, enforcement of traffic laws, investigation of crashes, operation of Montana Highway Patrol	General public
	Investigation of criminal activities	Local and state agencies, general public
	Inspection of premises for compliance with fire safety regulations	Building owners, general public
	Training of law enforcement officers	Local and state agencies, general public
	Maintenance of information through the use of information technology	Government entities, courts, those authorized to receive information, general public
	Laboratory examination and testing of evidence	Local and state agencies, general public



State Purposes	Major Agency Functions	Customers
<i>General Operation of State Government</i>	Provision of legal services State contribution for county attorney salaries	Other state agencies Counties
<i>Consumer/Citizen Protection</i>	Receipt and investigation of consumer complaints including telemarketing and other consumer protection laws Also see above under Provision of Justice and Protection of Life and Property	General public
<i>Protection, Enhancement, Remediation of Natural Resources</i>	Provision of legal services – representation of the state's interest in litigation	State agencies, officials, general public





How the Legislature Can Effect Change

In order to change expenditure levels and/or agency activity, the legislature must address one or more of the following basis elements that drive costs.

The department's expenditures are largely for personal services and operating costs. Items that impact these costs are most likely to result in significant change. The legislature might also impact expenditure levels through actions that increase or decrease the work to be completed by the department such as statutory changes in motor vehicle registration, drivers licensing, gambling laws, criminal statutes, victim's assistance, or consumer protection laws.



Statewide Factors With Impact

- Economic Factors
 - Economic factors such as inflation rates for specific commodities - for example, the price of gasoline may impact the highway patrol budget and operations
 - Cost of specialized staff may be impacted by the supply and demand for those skills – for example, forensic scientist
 - Changes in how business is conducted may have significant impact on the operations of the department - for example, the use of computers and the internet resulting in increased identity theft and computer based criminal activities

- Executive or Management Factors
 - Increasing reliance on technological solutions to streamline processes and accomplish department functions may force a shifting of resources within the agency
 - Management decisions to enter into major litigation may impact department costs
- Legal Factors
 - Federal laws or mandates can change the way business is conducted and the costs of the services provided - for example, the Real ID Act is estimated by some to have a fiscal impact in the million of dollars in Montana and billions nationwide and changes the business functions supporting issuance of a driver's license
- Social Factors
 - Social factors such as poverty rate, substance abuse, and societal expectations can impact the definition of and level of criminal activity
 - National and world events such as terrorist activities may impact law enforcement



Statutory References

The primary statutory references defining duties and responsibilities of the department are found at the following locations.

Article VI, Montana Constitution
Title 23, Chapter 5, MCA
Title 44, 45 and 46, MCA
Title 50, Chapter 61, MCA
Title 61, MCA
2-15-501, MCA
7-4-2502, MCA



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